

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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2014 FEB 26 P 1:02

IN RE: LIPITOR (ATORVASTATIN
CALCIUM) MARKETING, SALES
PRACTICES AND PRODUCTS
LIABILITY LITIGATION

)
) MDL No. 2:14-mn-02502-RMG
)

) **CASE MANAGEMENT ORDER NO. 1**
)

) **This Order relates to All Actions.**
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Pretrial Consolidation

1. This Order shall govern all cases (1) transferred to this Court by the Judicial Panel on Multidistrict Litigation, pursuant to its Order docketed with this Court on February 19, 2014; (2) any tag-along actions subsequently transferred to this Court by the Judicial Panel on Multidistrict Litigation, and (3) all related cases (i.e., civil actions where plaintiff(s) allege that they have developed type 2 diabetes as a result of taking Lipitor) originally filed in this Court or transferred or removed to this Court, including related cases filed in, removed to, or transferred to this Court after the date of this Order. All subsequent orders and rulings of this Court with the designation "All Actions" entered in 2:14-mn-2502 shall likewise apply to all cases that are or become a part of this MDL, regardless of whether that case was part of this MDL when the order is entered.
2. All of the actions described in Paragraph 1 are consolidated for pretrial purposes pursuant to Fed. R. Civ. Proc. 42.
3. This Order shall be filed by the Clerk in each of the related actions pending in this Court and in each subsequently filed or transferred action, which is related to and consolidated with this action for pretrial purposes.

Filing

4. Any paper to be filed in any of these consolidated actions shall be filed with the Clerk of this Court and not with the transferor district.
5. All documents served or filed in this action shall bear the same caption as this Order. If a document is generally applicable to all consolidated actions, the caption shall include the notation "This Document Relates to All Actions." Such documents shall be filed and docketed in the master case and shall be docketed in all related cases.¹
6. If, however, a document is intended to only apply to a particular case or to particular cases, the caption shall include the notation "This Document Relates to [case number(s) of the case(s) to which it applies]." Such documents shall be filed and docketed in the master case and docketed in the particular cases to which it applies.²
7. Where counsel for more than one party plan to file substantially identical documents, they shall join in the submission of such documents and shall file only one document on behalf of all so joined, in accordance with Paragraphs 5 & 6, above.

Counsel

8. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance before this Court or apply to proceed *pro hac vice*.

¹ When filing via ECF in the master case, counsel will be prompted with the question, "Do you want to spread this docket entry?" If the document relates to all actions, counsel should choose "yes" and then "all" from the drop-down menu. If counsel has any questions regarding the spreading of a docket entry, they should contact the Clerk's office.

² When filing via ECF in the master case, counsel will be prompted with the question, "Do you want to spread this docket entry?" If the document relates only to particular actions, counsel should choose "yes" and then select the appropriate case numbers from the drop-down menu by holding the "Ctrl" key and clicking each case to which the document relates. If counsel has any questions regarding the spreading of a docket entry, they should contact the Clerk's office.

9. The parties to these consolidated actions are not required to obtain local counsel in this district, and the requirements of Rule 83.I.04 of the Local Rules of this Court are waived as to any attorney appearing in these actions who is duly admitted to practice before any United States District Court.
10. The Court will take up the appointment of liaison counsel at the initial status conference in this action. Liaison counsel will serve as the contact for the Court and shall be authorized to receive orders and notices from the Court on behalf of all parties within their liaison group. Liaison counsel shall be required to maintain complete files with copies of all documents served upon them and shall make such files available to parties within their liaison group upon request. Prior to the initial status conference, counsel for each group of parties whose interests are similarly aligned shall confer and suggest Liaison Counsel for the Court's approval.
11. The Court will be guided by the Manual for Complex Litigation, Fourth approved by the Judicial Conference of the United States, and the Court directs counsel to familiarize themselves with that publication.

Initial Status Conference


12. An initial status conference will be held in this matter on **March 27, 2014, at 2 P.M.**
13. Counsel should be prepared to discuss the following matters at this conference:
 - a. the appointment of liaison;
 - b. the appointment of lead counsel and/or committees of counsel for plaintiffs;
 - c. how to handle service of documents;
 - d. the scheduling of regular status conferences;
 - e. the existence and status of any related state cases;

- f. the existence and status of tag-along cases not yet transferred to this District;
 - g. direct filing in this District;
 - h. suggestions on coordinating discovery and making discovery available to parties in actions that become a part of this MDL at a later date, including whether a document depository is appropriate; and
 - i. a discovery schedule.
14. Counsel may suggest additional items to be included on the agenda for the initial status conference within fourteen days of the date of this Order.

Other Matters

15. Any orders including protective orders previously entered by this Court or any transferor district court shall remain in full force and effect unless modified by this Court.
16. All discovery proceedings in these actions are stayed until further order of this Court, and all deadlines under Rules 26-37 of the Federal Rules of Civil Procedure and Rule 26.01 of the Local Rules of this Court are tolled until the initial status conference.

AND IT IS SO ORDERED.



Richard Mark Gargel
United States District Court Judge

February 26, 2014
Charleston, South Carolina